

Hydraulic Project Approvals

Office of Regulatory Assistance
Open House
October 24, 2005

Hydraulic Code (Chapter 77.55 RCW)

Enacted by Legislature in 1949

Regulatory mechanism to protect fish life and habitat from impacts of hydraulic projects

Administered through rules under Chapter 220-110 WAC

- Procedures to issue, condition and deny HPAs
- Technical provisions for the protection of fish life

What's a Hydraulic Project Approval (HPA)

A permit for hydraulic project or work that will use, divert, obstruct or change the bed or the flow of state waters

Issued to an individual or organization prior to starting work

Specific to protection of fish life

Types of HPAs

Emergency

Expedited

Standard

Pamphlet



Emergency HPA

Immediate threat to life,
property, or resources

Emergency declaration
made by WDFW or
County Legislative
Authority



No SEPA required

May not be denied if
declaration made

Verbal or written
application & HPA

Issued immediately

Conditioned to address
the emergency

Expedited HPAs

Imminent threats to life,
property, or resources

Imminent threat
declarations made by
WDFW or County
Legislative Authority

Hardship or
environmental
degradation situation
declaration made by
only by WDFW

No SEPA required

Application and HPA
always in writing

Issued for maximum of 60
days

Issued within 15 days

May not be denied if
declaration made

Standard HPAs

Default approval when
project does not
qualify as emergency
or expedited

Complete, written
application required

SEPA compliance
required

Issued or denied
within 45 days

Issued for a
maximum of five
years

HPA always written

Streamlined Fish Habitat Enhancement Projects

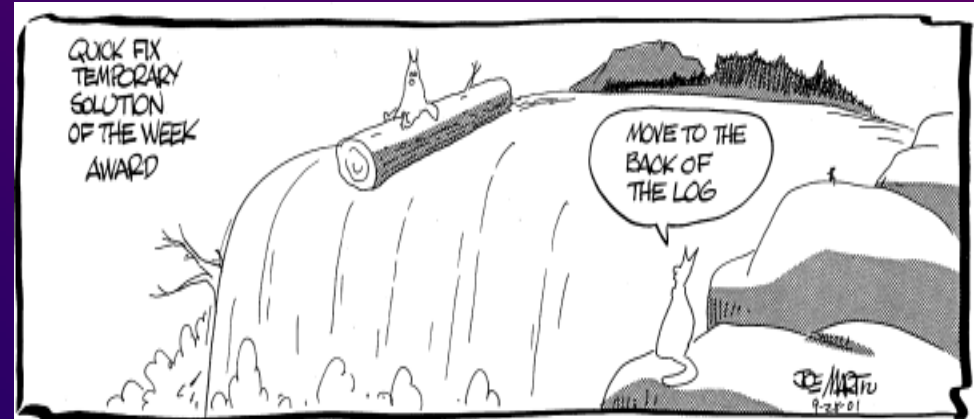
Elimination of human-made fish passage barrier



Placement of woody debris or other in-stream structures



Restoration of eroded or unstable stream bank using bioengineering



Streamlined Fish Habitat Enhancement Projects

By WDFW under the Salmon Enhancement and Volunteer Fish and Wildlife Enhancement Programs

By the sponsor of a watershed restoration plan developed per RCW 89.08

By WDFW as a WDFW-sponsored fish habitat enhancement or restoration project

Jobs for the Environment

Conservation district-sponsored projects

Formal fish habitat enhancement or restoration grant program established by the legislature or WDFW

Other formal review and approval processes established by the legislature

Streamlined Fish Habitat Enhancement Projects

SEPA is not required
prior to issuing the
HPA

Waiver of local
government permits
and fees

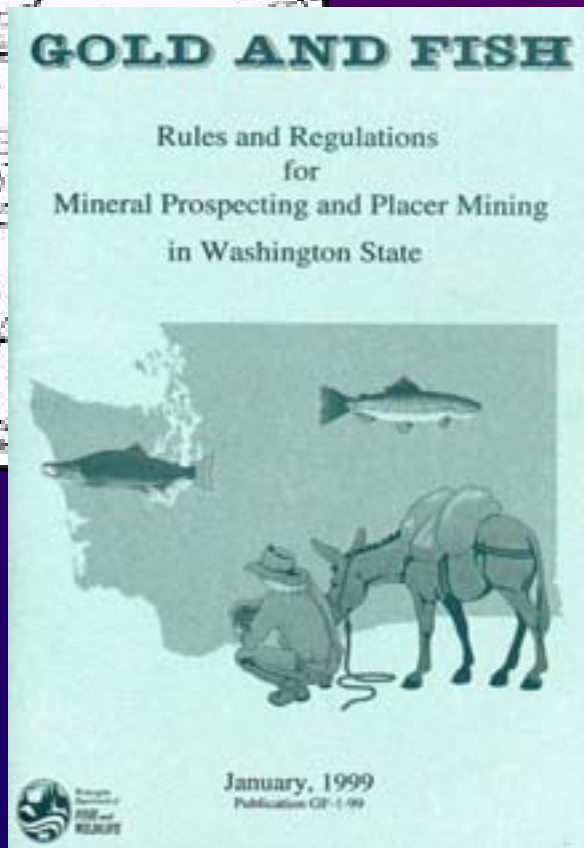
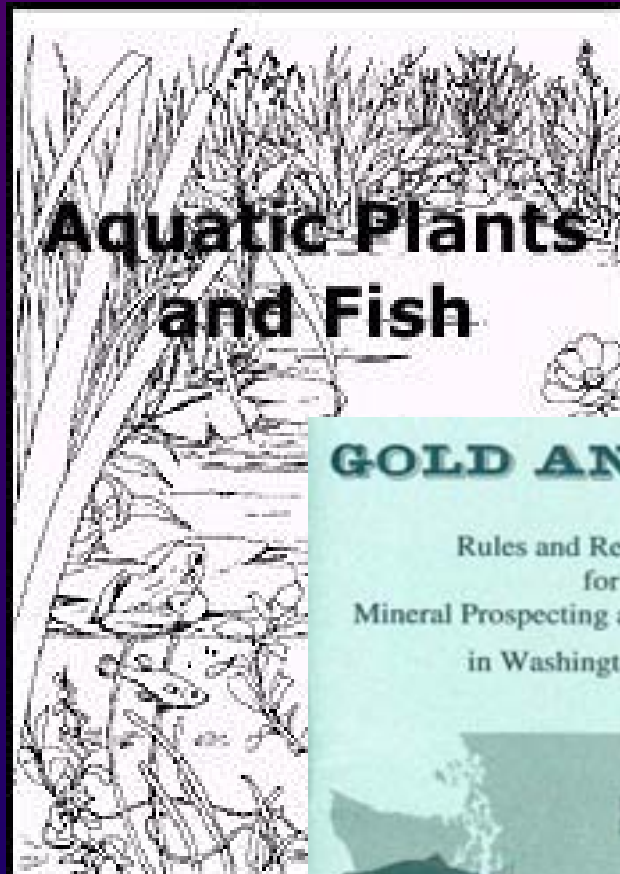
Same day applications
submittal to local
government and
WDFW

15-day comment period

WDFW must reject
streamlined processing if
concerns identified –
processed like any
standard HPA

No concerns identified –
HPA issued within 30
days following comment
period

Pamphlet HPAs



Rules and technical guidance

SEPA reviewed through rule development

Can't be modified except as specifically allowed in rule

Requires legislative approval

HPA Appeals

Informal appeal

- Informal Conference
- Informal Hearing

Formal appeal

- Administrative Law Judge
- Hydraulic Appeals Board
- Environmental and Land Use Hearings Board

Superior Court

Filing an Appeal

Filed in writing to Olympia within 30 days of the date of the agency action:

- The date an HPA is issued, conditioned or denied
- The date of the written response to an informal appeal, if the HPA is denied, or
- The date an HPA is issued or conditioned according to the terms of the informal appeal decision

Include specifics of what is being appealed

Non-Appealable Issues

Rejection of an application for an after-the-fact HPA (work was conducted without a valid HPA)

Rejection of an application for processing under RCW 77.55.290 (Fish habitat enhancement project)

- The issuance, denial or conditions of an HPA processed under RCW 77.55.290 is appealable

Pamphlet HPAs and associated Supplemental Approvals – appeal is through rule-making process

Rejection of an incomplete application

Hydraulic Project Approvals

HPA is a permit issued by WDFW for work that obstructs, uses, diverts or changes the bed or the flow of state waters

The HPA is required before starting work

HPA is issued solely for the protection of fish life – includes fish, shellfish and their habitat

For additional information:

<http://wdfw.wa.gov/habitat.htm#permits>